

LOWER PAXTON TOWNSHIP  
PLANNING COMMISSION

October 10, 2007

**COMMISSIONERS PRESENT**

Fredrick Lighty  
Dennis Guise  
Ernest Gingrich  
Roy Newsome  
Betsy Sibert

**ALSO PRESENT**

Lori Wissler, Planning & Zoning Officer  
Dianne Moran, Planning & Zoning Officer  
Chip Millard, Dauphin County Planning Commission

**Call to Order**

Mr. Lighty called the regular meeting of the Lower Paxton Township Planning Commission to order at 7:00 pm, on October 10, 2007 in Room 171 of the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

**Pledge of Allegiance to the Flag**

Mr. Lighty led the recitation of the Pledge.

**Announcement**

Mr. Lighty noted that Ernie Gingrich was honored as an outstanding Penn State Engineering Alumnus. Mr. Lighty read "Mr. Ernest U. Gingrich was one of six people to receive the 2007 Outstanding Alumni Award from Penn State's College of Agricultural Sciences."

**Approval of Minutes**

Ms. Sibert made a motion to approve the minutes of the September 12, 2007 regular meeting. Mr. Gingrich seconded the motion, and the minutes were unanimously approved.

**OLD BUSINESS**

**Preliminary/Final Land Development Plan #07-19**  
**Deluxe Motel Suites**

Ms. Wissler stated that this plan was tabled at the September 12, 2007 meeting. The purpose of the plan is to develop a two-story motel and related improvements. The property is located north of Ridgeview Drive and west of North Mountain Road and is zoned CG, Commercial General District. The tract consists of 0.574 acre and will be served by public sewer and public water.

Ms. Wissler stated that the applicant has requested the following waivers: waiver of the requirement to submit a preliminary plan; and waiver of the requirement that the rational method be used in stormwater calculations.

Mr. Ed Lupyak, Melham Associates, 2247 N. Front St, Harrisburg, Pennsylvania, was present on behalf of the plan.

Mr. Lupyak stated that the lot is currently a fully wooded vacant lot. There will be two entrances, one to the west with an entrance and exit, and the one to the east will be exit only. Thirteen spaces are required. The entrances to the units will be on the front with exterior stairways as well as exterior balconies for the upper units.

Mr. Lighty asked if the applicant has received copies of the comments generated by Township Staff, County, and HRG, and if he has any issues with them. Mr. Lupyak stated he has received the comments and does not have any issues with them at this time.

Mr. Guise asked if the building will be sprinklered. Mr. Lupyak stated he is not the architect, but assumed that the project will be sprinklered. His client did not raise issue when it was noted in the comments, but Mr. Lupyak will speak to his client about that.

Ms. Sibert asked Mr. Lupyak to orient the Commission to the project on the map. Ms. Sibert asked if the street was a residential street. Mr. Lupyak stated it was, and noted that the property and the properties to the west are all zoned CG, Commercial General District.

Mr. Guise asked how many units there will be. Mr. Lupyak answered 12, six on each floor.

Mr. Lighty asked if the units are suites. Mr. Lupyak stated they are intended for longer term stays, and maybe a little wider than a typical motel room.

Mr. Millard, Dauphin County, noted that the lot size does not meet the minimum lot size requirement for the district. Mr. Lupyak stated he has spoken to Ms. Wissler and he expects to receive a letter of non-conformity since the lot was consistent before the rezoning.

Mr. Millard asked if the gravel drive is a public right-of-way, a private right-of-way or a private driveway. Mr. Lupyak stated that they are performing a title search on that to address that comment. The Dauphin County Tax Map does not show ownership for the drive. It is currently just a gravel driveway. Mr. Millard noted that if it turns out to be a public right-of-way, the engineer should be sure to include full roadway information on the plan.

Mr. Lighty asked if Mr. Snyder had anything to add. Mr. Snyder stated that his memo covered all of his comments, and the engineer indicated he could comply with the comments, so he had nothing further.

Mr. Guise made a motion to recommend approval of the plan subject to compliance with the comments as discussed, and to recommend approval of the two waiver requests. Mr. Gingrich seconded the motion and a unanimous vote followed.

**NEW BUSINESS**

**Rezoning Request**  
**Linglestown Road, Sportsman Golf Course**  
**Ordinance 07-14**

Ms. Wissler stated that the Township is proposing an amendment to the Township's Zoning Map for three properties located north of Linglestown Road, 35-001-004, 35-001-005, and 35-001-006. The three properties are currently zoned CO, Conservation District, AR, Agricultural Residential District and IN, Institutional District. The amendment would rezone these three properties to CO, Conservation District and IN, Institutional District, moving the IN line to the north and the CO line to the south, eliminating the AR area.

Ms. Wissler noted that the existing uses of the properties are the Sportsman's Golf Course and two vacant parcels to the north of the golf course. The subject parcel is abutted to the north by the Conservation Zone, to the south by the CG, Commercial General Zone adjacent to Susquehanna Township, and the AR, Agricultural Residential Zone (Blue Ridge Country Club) and to the east is the R-1, Low Density Residential District (Forest Hills Development). The 2004 Comprehensive Plan's Future Land Use Map shows the area to be Rural Residential. A courtesy mailing was sent to neighboring property owners indicating that the Planning Commission would review the application on October 10, 2007.

Mr. Millard stated that the Dauphin County Planning Commission reviewed the request and offered the following comments:

- 1) The Township's Comprehensive Plan identifies the future land use for the entire area impacted by the rezoning as being Rural Residential. This future land use is more consistent with the existing AR District than it is with either the IN District or the CO District. It should be noted the current IN District area immediately south of the area being considered in this rezoning request was also identified as a Rural Residential future land use area in the Township's Comprehensive Plan.
- 2) Dauphin County's draft comprehensive plan identifies the future land use for the tract as being Rural Reserve and Conservation. As was the case with the Township Comprehensive Plan, the existing AR zoning on the tract is more consistent with the county's future land use designation than the proposed zoning, though there is some consistency between the Conservation future land use in the county comprehensive plan and the proposed CO District in the rezoning request.
- 3) The existing AR District in this area of the Township is a relatively small area that is surrounded by non-AR zoning. The existing CO and IN Districts in this portion of the Township, which would be adjacent to the proposed CO and IN zoning areas, are already larger in area than the AR District area.

4) The allowable development densities in the IN District, both for residential and non-residential uses, are much higher in some cases than the permitted development density within the AR District. Relatively high intensity uses such as group homes, day care centers, hospitals, and residential-retirement developments are allowed in the IN District but not in the AR District. Also, the IN District allows a greater variety of non-residential uses than the AR District. Due to low roadway accessibility, non-residential development may not be appropriate in the area targeted for IN zoning.

After reviewing the proposed revisions, the DCPC recommends the proposed zoning change from AR, Agricultural Residential to either IN, Institutional or CO, Conservation be approved. Though both the Township and County Comprehensive Plans identify the future land use in the area as being low density Rural Residential, the existing zoning pattern has left the AR District area in this part of the Township relatively small and isolated from similar zoning areas. It may make more sense to eliminate the AR zoning and expand the adjacent IN and CO District areas.

Though the DCPC supports the rezoning request, it wants to emphasize that rezoning the majority of the tract from AR to IN does have the potential to increase the traffic impact in this area. It is important that, if one of the higher intensity uses permitted in the IN District is proposed in this area, the internal and surrounding roadway network promotes interconnectivity to better disperse traffic and provide alternatives for roadway users. Land uses directly impact the transportation system, and future funding for any necessary improvements will likely be limited.

Chuck Zwally, attorney from Mette, Evans & Woodside, was present on behalf of Union Deposit Properties and Boyd Mahoney Partnership, the owners of the tracts. Mr. Zwally stated that these matters were discussed at length at workshop meetings. He noted that the CO district will be expanded as a result of the rezoning, as well as the IN district. He recognized the County's comments with regard to traffic concerns. As discussed in the workshop meetings, the developer owns the adjoining portion in Susquehanna Township and plans to extend Continental Drive through this development and continue it through Susquehanna Township to connect to the Continental Drive there. He also recognized that traffic improvements will require traffic impact studies, and they are fully prepared to do that. Mr. Zwally noted that the proposed line between the CO and IN districts was developed following a detailed topographic survey indicating that that particular area was relatively flat.

Mr. Guise asked the proposed concepts for the IN zone. Mr. Zwally stated that the applicant did present a concept plan to both the Board of Supervisors and the Planning Commission. It showed primarily senior age-restricted housing. It will include single family detached dwellings as well as some townhomes and duplexes. There would also be a small percentage of typical single family residential as well.

Mr. Guise asked if the applicant will be using the Residential Retirement Overlay. Mr. Zwally answered yes.

Mr. Lighty asked the acreage increase in the CO zone. Mr. Zwally stated that it is an increase of about 40%, but was unsure of the acreage, but noted that it is substantial. He suggested that the portion that is now AR will be split about 40/60 between CO and IN.

Mr. Lighty called for comments from the audience.

Mr. Emery Sweigart, Linglestown Road, stated he was a personal friend of the previous owner, who told him that there is a deed restriction on the golf course land. It says they have to maintain the 9-hole golf course. He asked if that is in the proposal. Mr. Zwally stated there is no specific proposal at this time, but he was unaware of any such deed restriction. He will research that to be sure.

Mr. Lighty pointed out that this discussion is about the rezoning of the land, and not about any specific plan for the land. The applicant will be required to come back to the Township with a land development plan and will, at that time, have to address these sorts of issues.

Mr. Matt Dankman, 4075 Deer Run Court, stated his property is next to Sportsman's Golf Course. His concern is conservation and the water coming down the mountain. There are woods between his house and the golf course. There is water run-off that goes down through the golf course. If the woods are taken away there will be massive water problems. He was also concerned that the animals will have no where else to go if the woods are taken away. He said there are already 17 deer that visit his property. The water table is very high where the woods are. He asked that the developer double check the conditions so that they do not create a landslide. He noted that the water problem is quite significant now even with the trees, and he was very concerned about how it would be without the trees.

Mr. Lighty stated that the applicant may propose a residential retirement development, which they can do with or without the rezoning. The only issue at this time is the zoning of the land. Mr. Lighty noted that the Township's consulting engineer will also review the plan in detail. He could also explain all of the provisions that are in place to protect such things.

Dr. Mark Guise, 2336 Forest Hills Drive, questioned the math discussed earlier. Mr. Zwally stated that the land that is now AR will be devoted to conservation. Dr. Guise asked if CO stands for conservation. Mr. Zwally answered that that is correct, and directed Dr. Guise to the map exhibits showing the existing and proposed zoning. He explained that what is proposed is to eliminate the AR zone in the middle and the CO and IN will both be stretched to meet.

Dr. Guise stated he has a problem now that is not going to go away. There is mud that comes down from someone's property which impacts on his property. He does not think it will get straightened out. He has had engineers come over to tell him how to get around the problem but he thinks things have slipped through. If this project goes through it will impact everything else. When he walks from his property to Sportsman's he can tell that the run-off from the existing mountain has changed over the past 6 years, and it will probably change dramatically.

Dr. Guise stated he is a practicing veterinarian and he is very concerned about the animals and wants to see that they have some kind of habitat left. He explained that there are biosystems that need to be maintained.

Mr. Gingrich noted that these concerns will be revisited at the time of the land development plan. At that time, the Township and its consulting engineers will review the plan with regard to the

stormwater ordinances. Mr. Lighty added that the stormwater ordinance does have some teeth to it and the applicant has to meet all of the requirements of the ordinance in order to have his plan approved.

Mr. Zwally felt it was important to note that the owners, Mr. & Mrs. Alexander Boyd, recently acquired and dedicated an area known as Boyd Big Tree, which extends from Fishing Creek to the boundary of this property, and it consists of thousands of acres. Dr. Guise suggested that they extend it some more. Mr. Zwally stated that they are extending the Conservation District.

Mr. Lighty stated that when the applicant comes to the Township with a land development plan showing what they want to build, they have to comply with the stormwater management ordinance. He invited the audience to examine the ordinance. Mr. Guise noted that the Planning Commission makes recommendations to the Board of Supervisors, who will make a decision on matters that come before the Township.

Mr. Newsome asked why the zoning realignment was not done to the property lines. Mr. Zwally stated that the three lots are in common ownership. The proposed zoning line is based on a detailed topographic study.

Mr. Mike Gray, 4079 West Tilden Road, asked if the land will be proposed to be homes. He asked about the commercial area. Mr. Zwally stated there are no plans for that area. Mr. Gray stated that his concern is Route 39 and the traffic. He was concerned that cluster homes, townhouses and high-rises will feed from Route 39. Mr. Zwally noted that the 300 acres includes significant conservation area. Mr. Gray stated that he and his wife work on the west shore and have trouble now getting home, and he was concerned about the additional people on the roads when this area gets developed. He asked that the Township consider that or consider doing something to Route 39. Mr. Zwally stated that Continental Drive will be extended to provide some relief to Linglestown Road. Mr. Lighty noted that Linglestown Road is a State road and he suggested that there is no money in State budgets to do work on the existing roads. Mr. Gray felt it would be much nicer to keep it like it is. Mr. Lighty stated that the rezoning does not change the fact that they could develop the land as it sits today and put homes in there now. The issue is what will be done with that area of AR. The IN is already there, the issue is to possibly extend that line north. Mr. Lighty stated that the property owned by Mr. Dankman is already next to IN land. The land that Continental Drive is proposed on, is already Institutionally zoned.

Mr. Gray asked where Continental Drive would connect to Mountindale in Susquehanna Township. Mr. Lighty stated he did not know yet since no plans have been submitted yet.

Mr. Ken Parmer, South Carolina Drive, stated that he thought that the IN zone can be denser than the AR, but the CO zone is only moved a little bit. He noted that Forest Hills is not flat.

Mr. Gingrich made a motion to recommend approval of Ordinance 07-14 as presented. Mr. Guise seconded the motion.

Mr. Guise noted that even though there is a small gain on the eastern boundary of the lots, there is a much larger gain on the western side. He felt it was a reasonable trade-off, and would allow for a better residential retirement use, which is not a typical Institutional use. Mr. Guise noted he also lives in

the area, and everyone would like to see areas such as that remain undeveloped, but the Township does not have the authority to say that. The Township is also in no position to purchase that land to use as a park.

Mr. Lighty stated that he felt it was a good thing to see the conservation area being increased. He noted he cares about run-off, wildlife, preserving the mountain area adjacent to a huge preservation area. He felt that the density difference is minimal. He felt that increasing the density a little bit for a little piece of land that will be developed as residential retirement and not traditional single family houses was a more than fair trade off to gain more conservation area.

Mr. Gingrich felt it made good sense, given what is already there, to eliminate that piece of AR noting that it is surrounded by IN and CO. A unanimous vote followed.

Ms. Wissler noted that notices will be sent to the same residents indicating the date of the public hearing before the Board of Supervisors, and she noted it is tentatively scheduled for November 20<sup>th</sup>.

**Preliminary Subdivision Plan #07-21**  
**Autumn Oaks**

Ms. Moran stated that McNaughton Company owns 313.47 acres of land off of Patton Road, 133.387 acres are located in the R-C, Residential Cluster Zoning District, 177.49 acres are zoned R-1, Low Density Residential District, and a 2.55 acre portion of the tract is zoned CO, Conservation District. The property is proposed to be developed into a new home community consisting of 300 dwelling units.

The intent of this plan is to obtain preliminary subdivision approval for the R-C, Residential Cluster development of "Autumn Oaks". The plan consists of a 203-unit residential cluster development, six fee-simple, open space lots and the residual lot. The Cluster Development will consist of: 92 single family lots, 40 duplex units, 47 villa units and 24 townhouse units. The 203 dwelling units were determined through the submission and approval of a Yield Plan dated February 6, 2007.

The property will be serviced by public sewer and public water and will include active/passive recreation areas including nature trails. The common open space encompasses 69.352 acres or 52% of the total area within the Residential Cluster.

The applicant has requested six waivers: waiver of the minimum street intersection separation requirement; waiver of the requirement to provide curbing and widening of existing abutting streets; waiver of the requirement to provide vertical curb (slant curb is proposed); waiver of the requirement to provide Type "C" inlet grates in streets; waiver of the requirement to provide low flow channel and basin underdrain in basins; waiver of the requirement that driveways shall be located not less than ten feet from a catch basin, drain inlet, or fire hydrant.

Tim Mellott, Mellott Engineering, and Joel McNaughton, McNaughton Company, were present on behalf of the plan.

Mr. McNaughton stated that this plan is for the southern portion of the Autumn Oaks development, about 133 of the total 313 acres. As a Residential Cluster Development, the developer must follow zoning ordinance Section 320. The binder presented to each Planning Commissioner goes section by section showing compliance with that Section. The site analysis includes natural features assessment, study of the surrounding land uses, a determination of the existing roadway and utility connections and compares that data to the proposed land uses. There is about 177 acres to the north that is R-1 and a small area of CO along Parkway West.

Mr. McNaughton stated that access to the property is via Patton Road, which is signalized at Linglestown Road; Continental Drive; Colonial Road, which is signalized at Linglestown Road; and Kensington Way, through Forest Hills to Parkway West. The property is served by all utilities including water, sewer, electric, cable, telephone and natural gas.

Mr. McNaughton presented exhibit G, showing the topographical features, steep slopes, and wetlands. They are working through the environmental permitting, one of which is the jurisdictional determination process with the Army Corps of Engineers. There are some wetlands to the southern portion of the property that the applicant considers to be marginal, but that will be up to the Army Corps.

Mr. McNaughton stated that a yield plan was submitted and reviewed by Staff and Engineer, and produced 203 units. Forty-five percent of the units are single family detached units, or 92 units. Fifty-five percent of the units are single family duplex or townhouse units, or 111 units. The like-types of units have been arranged into villages, with consideration given to existing and proposed surrounding land uses. The single family detached buffer the outside of the property. The ordinance requires 40% or 53 acres minimum, and the plan proposes 69 acres, which is 53%. Mr. McNaughton stated that they may get some additional units when the permitting agency reviews the wetlands. If that happens, they will still meet the 40% minimum.

The preliminary plan is proposed to be built in six phases over seven years. There will be three separate areas of detached dwellings, and they should buffer the other types from existing detached dwelling neighborhoods. Average lot size is just over 14,000 square feet, while 11,000 square feet is the minimum, and 7,500 is the permitted minimum. Mr. McNaughton presented some photos of existing homes to demonstrate what the proposed homes will look like.

The 47 villa units are luxury townhomes with two-car garages. All units about the open space. These units are about 2,250 square feet inside. He presented some photos of typical townhomes as built in Susquehanna Township.

The duplexes will be in two areas, and will all about the open space and all will have two-car garages. They will be about 1,900 square feet inside. Mr. McNaughton presented a rendering of what is currently being built in Susquehanna Township.

There will be 24 traditional townhomes, located centrally, and accessed by cul-de-sac. All of these units also about the open space. The interior units have a one-car garage, and the end units will have two-car garages.



There will be a water tank lot to be provided to United Water of PA (UWPA). There will be an extension of Colonial Road at Kensington Way, as well as a connection to the Parkway. The water tank lot will be accessed from the Parkway.

The R-1 zone permits a 20,000 square foot lot, and the average proposed lot size is 1.77 acres.

Mr. McNaughton stated he has read the comments and is working to address them. He did not feel any of the comments would be an issue.

Mr. Lighty asked how adequate sight distance between intersections will be demonstrated. Mr. McNaughton directed Mr. Lighty to sheet 6-1 for the sight distance table. Mr. McNaughton stated that they are in excess of 250 feet of separation, and should be consistent with the new SALDO. Typical minor street separation run from 125 to 200 feet in the four neighboring municipalities. Mr. Snyder agreed that many of the waivers being requested are consistent with the new SALDO.

Mr. Lighty asked about the waiver request for curbing and widening. Mr. Mellott stated that waiver request is only for the portion to the north of Autumn Oaks Drive. The waiver is to allow the developer to defer until the time that Patton Road is extended. The area south of Continental Drive will be part of the realignment of Patton Road, which is a coordinated effort with the Township.

Mr. Snyder stated that his and staff's recommendation is that the curbing and widening take place as part of this plan, as well as the piece to the south from Continental Drive Extended to the limit of the straightening of the S curve. Mr. McNaughton agreed to withdraw this waiver. Mr. Snyder noted that the location needs to be determined where the McNaughton project ends and the joint project begins.

Mr. Lighty asked about paying the fee-in-lieu of recreation dedication. Mr. McNaughton stated that they would like to dedicate land to meet the recreation department's needs. Mr. Lighty asked for Staff's position. Ms. Moran stated that Staff has asked for the fee-in-lieu of dedication for 203 units at \$2,300.00 per unit. Mr. McNaughton stated that there is a comment from the Recreation Board that recommends that park land be provided. They would like to meet with the Parks & Recreation Board to iron out the dedication.

Mr. Guise asked for the developer's reaction to the number of comments generated. Mr. Mellott stated he has been working to address the comments, and to date has about 80% of them done. Mr. Mellott stated he is comfortable with the comments, and the plan will be clean the next time it is presented to the Commission.

Mr. Guise asked about the comment addressing sidewalk along Patton Road south of Continental Drive and north of Autumn Oaks Drive. With regard to south of Continental Drive, Mr. Mellott stated that that is the area that will be a cooperative effort, and we will do whatever is required. With regard to north of Autumn Oaks Drive, they are required to do sidewalk on one side, and there is already sidewalk on that side of Continental Drive. They do not propose sidewalk north of Autumn Oaks Drive.

Mr. Millard noted that Lots 180 and 181 may not meet the 20-foot setback. Mr. Mellott agreed they turned out to be 19.4 feet, and he will make that correction. Comment #8 says that building #9 and 13 appear to be longer than the 160-foot maximum. Mr. Mellott stated he will make that correction by taking two feet off either end of the building. Comment #10 asks if there will be any issue with a significant portion of Continental Drive being located in the floodplain. Mr. Mellott stated you cannot see the stream until it goes under the road, and they are at the headwaters. He noted they will make the design be in compliance. Mr. Snyder asked if the applicant will obtain a Letter of Map Revision (LOMR). Mr. Mellott stated he does not need to do that unless the Township requests it. If the Township desires it, the applicant would provide a detailed study which the Township would provide to FEMA since the Township is a program participator. They can justify that they are not raising water levels by more than one foot. Since there will be no units within the floodplain, they are not proposing to revise the map.

Mr. Lighty called for comments from the audience.

Mr. Darwin Aurand, 2730 Woodrow Avenue, stated that he has a copy of a plan from many years ago showing a cookie-cutter plan. He felt that what was presented tonight was a breath of fresh air. He appreciated more open lands. The remainder of the tract still looks like a slice-and-dice extension of Forest Hills. He asked if that portion is set to look the way it is presented, or if there is room for change. Mr. Aurand asked if the second portion will be constructed at the same time as this project, or before or after it. Mr. McNaughton indicated they will coincide, but the plans have not been submitted yet. Mr. Lighty stated that what was shown for the upper portion may be what is intended, but it is not up for approval or discussion at this time.

Mr. Ken Parmer, 4292 South Carolina Drive, asked how much of the 69 acres being set aside for open space is wetlands, and retention ponds. He asked if retention ponds can be built in wetlands. Mr. Snyder answered that retention ponds cannot be built in wetlands. Mr. Mellott stated that 8.1 acres of wetlands exist in the RC district. If you take the 8.1 acres out of the open space, the plan is still in compliance with the 40% required. There is 0.81 acres of wetland impact area, a Continental Drive crossing, and a connector to Continental Drive. The two impacts are crossings of a perennial stream. He noted he was extremely proud with how the plan preserves the conservation. Mr. Parmer asked if the A-1 and the RC have the same density. He asked when A-1 was rezoned to RC. Ms. Wissler stated it was changed in the early 1990's. Mr. Parmer stated that he remembers a plan to change the land from A-1 to RC, and the residents agreed that if the golf course didn't materialize, it would revert back to the original zoning. The residents were told that once it is changed to RC it would remain RC. Mr. Parmer stated it didn't change at that time. Ms. Wissler invited Mr. Parmer to examine the development plans for that property. Mr. Parmer stated that only abutting property owners get notice of changes. Ms. Wissler noted that the list of residents that were notified is also available for his review in the office. Mr. Parmer commented that the Township is planning to straighten the S curve and install speed bumps, and asked what is wrong with the S curve.

Mr. Guise made a motion to table the plan to give the applicant the opportunity to address the comments. Mr. Newsome seconded the motion, and a unanimous vote followed.

Mr. Newsome asked if there are phasing plans for the upper section of the development. Mr. McNaughton stated that they are working on them and should submit the plans for the R-1 section within the next few months.

**Special Exception #07-07**  
**Preston Byers, 4815 Sweetbrier Drive**

Ms. Wissler stated that the Township has received an application for a pet grooming business at 4815 Sweetbrier Drive, which requires a special exception. The Planning Commission is asked to review special exception submissions prior to action by the Zoning Hearing Board. The property is zoned R-1, Low Density Residential District. A pet grooming business is considered a major home occupation because there will be customers coming to the home. A diagram and narrative has been submitted for the Planning Commission's review. There will be 4-7 customers per week.

Mr. Gingrich asked if the Township has received any negative response to the application. Ms. Wissler stated that the property will be posted one week prior to the hearing, and advertisements will be made as well. She noted that applicants are advised to speak with their neighbors about their application. This applicant has done that and presented a copy of a signature page which shows four surrounding neighbors in agreement with her application.

Mr. Guise made a motion to advise the Zoning Hearing Board that the Planning Commission sees nothing objectionable with the information submitted for pet grooming business at 4815 Sweetbrier Drive. Ms. Sibert seconded the motion, and a unanimous vote followed.

**Preliminary/Final Re-Subdivision Plan #07-22**  
**Janet Smith, Lots 4 & 5**

Ms. Wissler stated that the purpose of this plan is to adjust the location of the lot line between Lot 4 and Lot 5 to maintain isolation distance from the property line to the drainage field as per DEP regulations. The two lots are located on Parkway East and are zoned AR, Agricultural Residential District and will be served by private on-site sewage disposal system and water supply. The applicant has requested a waiver of the requirement that Datum to which contour elevations refer shall be the U.S. Coast and Geodetic Survey Datum.

Mr. Lighty asked if the line on one side is being moved 34 feet. Ms. Wissler confirmed it is 34.42 feet.

There was no comment from Dauphin County.

There was no comment from the audience.

Mr. Newsome made a motion to recommend approval of the plan including approval of the waivers. Mr. Gingrich seconded the motion and a unanimous vote followed.

### **Ordinance #07-01**

Ms. Wissler stated that Ordinance 07-01 contains amendments that were initiated by Staff after implementation of the Zoning Ordinance which was adopted in July 2006. Ordinance 07-01 was reviewed by the Township Planning Commission at their meeting of June 13, 2007. At that time, the Dauphin County Planning Commission presented several comments on Ordinance 07-01. The Township Planning Commission tabled action on Ordinance 07-01 and requested that Staff review the County's comments and present a revised draft.

The County's comments were reviewed by Staff and both the County's comments and Staff's responses were reviewed at a joint meeting of the Planning Commission and the Board of Supervisors. The following items reflect the discussions at that meeting as well as the July Planning Commission meeting. Section 312.A, Setbacks, changed creek setback to 50 feet and 75 feet from the top of bank, previously 75 feet and 100 feet; Section 306.B.2.a, changed single family detached dwelling to a Special Exception in the CN District; Section 315.D and 319.G.16, sidewalk slopes to be consistent with ADA or 5%, whichever is less, in an Age-Restricted Development and Residential-Retirement Development; and, Section 319.H, Age-Restricted Percentages, this section will be left as is.

Mr. Lighty asked if County is in agreement with the amendments. Mr. Millard stated that the County is comfortable. There are four comments that the County is in disagreement with the Township, but the County is aware of the direction in which the Township is moving. Comment #2 says that now that the building height in the Residential Retirement development within the IN zone is 60 feet, the County suggests that the maximum building height in the R-3 zone go to 60 feet. There are no new comments since the June comment letter. Mr. Lighty asked if County has found any glaring errors in the items in the proposed ordinance, knowing what the policy intentions are. Mr. Millard said no. Ms. Wissler noted that the building height in the R-3 can be looked at further in the future.

There was no comment from the audience on Ordinance 07-01.

Mr. Newsome made a motion to recommend approval of Ordinance 07-01. Mr. Gingrich seconded the motion, and a unanimous vote followed.

### **Public Comment**

There was no additional public comment.

### **Commissioner's Comment**

Ms. Moran stated that the information regarding traffic at Sir Thomas Court was submitted to the Planning Commission at the request of Mr. Newsome at the last meeting.

Mr. Lighty stated he will schedule a briefing with the person with regard to Business Improvement Districts.

**Adjournment**

The next regular Planning Commission meeting is scheduled for November 14, 2007, at 7:00pm at the Lower Paxton Township Municipal Center, Room 171.

Being no further business, the meeting adjourned at 8:45 pm.

Respectfully Submitted,

Michelle Hiner  
Recording Secretary